

Notice of Allowability**Application No.**

10/757,291

Applicant(s)

WUGOSKI, THEODORE DAVID

Examiner

SAJEDA MUHEBULLAH

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment file 02/06/2008.
2. ☒ The allowed claim(s) is/are 28-45,48-51 and 54-57.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20080508.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT and REASONS FOR ALLOWANCE

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Attorney Scott Richardson on May 08, 2008.
3. The application has been further amended as follows:

Claim 28 is amended as follows:

28. A method of creating a macro for a convergence system, the convergence system having multiple components, at least one remote control, and at least one user interface other than the remote control, the macro comprising multiple commands for operating at least one of the components of the convergence system, said method comprising:

identifying an input command sequence including at least one remote control command and at least one user interface command for execution in a desired sequence;

detecting the input command sequence being repeated a predetermined threshold number of times;

providing a prompt proposing that a new macro be defined for said input command sequence in response to said input command sequence being repeated the predetermined threshold number of times; and

assigning the sequence to at least one macro element of the system.

Claim 35 is amended as follows:

35. A convergence system having multiple components operable in response to macros, the system comprising:

at least one processor;

memory operably associated with said processor;

at least one remote control for selecting at least one remote control command;

at least one user interface other than the remote control for carrying out a pre-selected user interface control function defined within the system;

at least one macro element associated with at least one of the remote control and the user interface; and

a program of instructions configured to be executed by said processor and stored in said memory, said program adapted to:

identify an input command sequence including at least one remote control command and at least one user interface command for execution in a desired sequence;

detecting the input command sequence being repeated a predetermined threshold number of times;

providing a prompt proposing that a new macro be defined for said input command sequence in response to said input command sequence being repeated the predetermined threshold number of times; and

assign the sequence to the macro element of the system.

Claim 42 is amended as follows:

42. A graphical user interface ("GUI") for use in creating macros for a convergence system, the convergence system having multiple components, at least one remote control, and at least one user interface other than the remote control, the macro comprising multiple commands for operating at least one of the components of the convergence system, the graphical user interface comprising:

means for identifying an input command sequence including at least one remote control command and at least one user interface command for execution in a desired sequence;

means for detecting the input command sequence being repeated a predetermined threshold number of times; and

means for assigning the sequence to at least one macro element of the system.

wherein a prompt is provided proposing that a new macro be defined for said input command sequence in response to said input command sequence being repeated the predetermined threshold number of times.

Claim 45 is amended as follows:

45. A signal embodied in a propagation medium for use in connection with a convergence system, the convergence system having macro elements associated therewith, said signal comprising:

at least one instruction configured to identify an input command sequence including at least one remote control command and at least one user interface command for execution in a desired sequence;

at least one instruction configured to detect the input command sequence being repeated a predetermined threshold number of times;

at least one instruction configured to provide a prompt proposing that a new macro be defined for said input command sequence in response to said input command sequence being repeated the predetermined threshold number of times; and

at least one instruction configured to assign the sequence to one of the macro elements of the system;

~~at least one instruction adapted to identify the commands by means of user operation of the user interface;~~

wherein the macro elements are selected from the group consisting of soft keys and hard keys, and wherein the signal comprises at least one instruction to assign the sequence to at least one of the keys

Claims 52-53 are cancelled.

Claim 56 is added:

56. The system of claim 35, wherein said at least one user interface command is converted into machine commands required by an operating system.

Claim 57 is added:

57. The signal of claim 45, further comprising:

at least one instruction to convert said at least one user interface command into machine commands required by an operating system.

4. The following is an examiner's statement of reasons for allowance:

The method of Foster and Humpleman teaches a convergence system consisting of a macro command comprising of at least one remote control command and at least one user interface command. While the method of Foster and Humpleman teach the creation of macros, the method of Foster and Humpleman does not disclose detection of a command sequence repeated a predetermined number of times wherein a prompt is provided proposing that a new macro be defined for said repeated sequence. Although prior art references Goren-Bar (2001/0017632) and Guillorit (2004/0172621) teach this limitation, due to the terminal disclaimer filed by the Applicant claiming priority back to July 15, 1999, these references are not sufficient enough to overcome the limitation. Therefore, neither Foster alone or in combination with Humpleman or any other prior art teach or suggest the claimed limitations as recited in the independent claims 28, 35, 42, and 45.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Communications

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is (571) 272-4065. The examiner can normally be reached on Tuesday/Thursday and alt. Mondays from 8:30 am to 5:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923.

The central fax number for the organization where correspondence for this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sajeda Muhebbullah

Patent Examiner

Art Unit 2174

/S.M./

/David A Wiley/

Supervisory Patent Examiner, Art Unit 2174